

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re

Case No.  
Chapter 11

FJB LLC,

Debtor.

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AFFIDAVIT PUSUANT  
TO LOCAL RULE 1007-2

MENACHEM BISTRITZKY, affirms and says the following to be true,  
under penalty of perjury:

1. I am the Managing Member of FJB LLC, a New York limited liability company, the Debtor herein, and I submit this affidavit pursuant to Local Rule 1007-2 of the within Court.

2. The nature of the Debtor's business: The Debtor is the leaseholder of one factory and one distribution center, and manages both facilities on behalf of the operating entities known as "Toobro," including Toobro NY LLC, Toobroburg LLC and Toobroville LLC. The instant filing was precipitated by the following circumstances: The Debtor was unable to meet the terms of the Stipulation of Settlement in the pending Landlord-Tenant case with Baldor Specialty Foods, and Baldor is seeking the entry of a Judgment for possession of the distribution center located at 511 Barry Street, Bronx, New York.

3. This case was not previously commenced under Chapter 7, 12 or 13, nor has this case been converted to or from any other Chapter of the Bankruptcy Code pursuant to 11 U.S.C. sections 706, 1112, 1208 or 1307.

4. To date, no creditors committee has been appointed or formed.

5. A list of the twenty (20) largest unsecured claims is hereby annexed and filed with this Court with this affidavit. A list of the five (5) largest secured claims is not included, as there are no secured creditors.

6. The debtor has Total Assets of approximately \$215,000.00 and Total Liabilities of approximately \$936,759.59, as of the petition date.

7. The number and classes of shares of stock, debentures or other securities of the debtor that are publicly held, and the number of holders thereof, listing separately those held by each of debtor's officers and directors and the amounts so held: None of the shares or interests in the debtor are publicly held. The managing member, Menachem Bistritzky, is the sole member and owner of one hundred percent (100%) of the interest in the Debtor.

8. None of the debtor's properties are in the possession or custody of any custodian, public officer, mortgagee, pledgee, assignee of rents, or secured creditor, or agent for such entity.

9. The list of the premises owned, leased or held under another arrangement from which Debtor operates its business is: The Debtor is the lessee of: (a) 511 Barry Street, Bronx, New York (distribution center); and (b) 7705 State Route 812, Lowville, New York (factory).

10. The Debtor maintains its books and records at its business location at 511 Barry Street, Bronx, New York.

11. The Debtor has no assets located outside the territorial limits of the United States.

12. The nature and present status of each action or proceeding, pending or threatened, against the debtor or its property where a judgment against the debtor or a seizure of its property may be imminent:

Landlord-Tenant case pending in the Civil Court, Bronx County, Baldor Specialty Foods v FJB, Index No. LT 902153/2010. There was a Stipulation of Settlement in which the Debtor was to make rent payments. Debtor defaulted under the terms of the Stipulation and the Landlord has applied for a Judgment of possession.

Additional information pursuant to Rule 1007-2(b):

13. The debtor has no employees at the present time. In my capacity as the Managing Member and Sole Member, I devote my time to the LLC as the day to day manager of the business.

14. To operate its business, which is management of the factory and distribution center leaseholds, the estimated operating expense, excluding payroll, is approximately \$90,000.00 per month. Payroll expenses are approximately \$0.00.

15. I believe that it is desirable to permit the Debtor to become a Debtor-in-Possession and function under the protection of the Bankruptcy Code, and to continue doing business, because it will be generating sufficient income from its business to develop a viable plan or reorganization. The Debtor's primary intention in this case is to propose a repayment plan to pay its creditors at least as much as they would be entitled to receive in liquidation consistent with the requirements of the Bankruptcy Code. If the Debtor is granted a temporary stay and given some time to determine the amounts of the above claim, it can propose a plan to repay all rightful debts and salvage a valuable property.


16. The Debtor verily believes that the interests of all parties would be best served by the continuation of its business operations as Debtor-in-Possession under Chapter 11 until confirmation of a plan of reorganization.

I, Menachem Bistritzky, the Managing Member and Sole Member of the Debtor, declare under penalty of perjury that I have read the foregoing statement pursuant to Local Rule 1007-2 and that it is true and correct to the best of my knowledge, information and belief.

Affirmed before me this  
11<sup>th</sup> day of March, 2011



Menachem Bistritzky



Richard A. Klass  
Notary Public, State of New York  
Qualified in Kings County  
Comm. Expires 12/21/14

## MEMBERSHIP RESOLUTION

At a meeting of the Membership of FJB LLC (the "LLC"), held on March 11, 2011, it was

RESOLVED, that the Managing Member of the LLC be authorized and directed to execute a Petition pursuant to chapter 11 of the United States Bankruptcy Code on behalf of the LLC, and to cause such Petition to be filed with the United States Bankruptcy Court for the Southern District of New York.

RESOLVED, that the Managing Member be authorized and directed (a) to retain Richard A. Klass, Esq., as the LLC's counsel, to file the Chapter 11 Petition and to represent the LLC in connection with the bankruptcy case; (b) to pay all fees associated with the chapter 11 filing, including the fees of Richard A. Klass, Esq. and (c) to perform all other duties which are necessary and appropriate in and in connection with the chapter 11 case, on behalf of the LLC.

FJB LLC

By 

Name: Menachem Bistrizky

Title: Managing Member